

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

WILSON GORRELL,

Petitioner,

vs.

ANTHONY HAYNES, Warden,

Respondent.

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CIVIL ACTION NO.: CV211-213

**ORDER**

Petitioner Wilson Gorrell ("Gorrell"), formerly incarcerated at the Federal Satellite Low in Jesup, Georgia ("FSL Jesup"), filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Respondent filed a Response. Gorrell filed a Traverse and a supplement to his Traverse. The Magistrate Judge recommended that Gorrell's petition be denied because there was "some evidence" supporting the disciplinary hearing officer's ("DHO") determination, in accordance with Superintendent, Mass. Corr. Inst., Walpole v. Hill, 472 U.S. 445 (1985). (Doc. No. 19, pp. 4–5). The undersigned adopted the recommendation over Gorrell's objections and dismissed Gorrell's petition. (Doc. Nos. 23, 24). Gorrell filed an appeal with the Eleventh Circuit Court of Appeals.

On appeal, the Eleventh Circuit determined that this Court failed to address Gorrell's contention that he was entitled to have the DHO consider the actual toxicology results at his disciplinary hearing. (Doc. No. 44, p. 8). The Eleventh Circuit also

determined that this Court did not comply with Clisby v. Jones, 960 F.2d 925 (11th Cir. 1992), as extended to section 2241 petitions in Smith v. Sec'y, Fla. Dep't of Corr., 432 F. App'x 843 (11th Cir. 2011). The Eleventh Circuit vacated a portion of this Court's decision and remanded with instructions to address Gorrell's claim that he was entitled to a review of the actual toxicology results underlying his positive drug test. (Doc. No. 44, p. 9). On March 31, 2014, the Magistrate Judge entered a Report and Recommendation on this issue.

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. The portion of Gorrell's 28 U.S.C. § 2241 petition relating to his alleged entitlement to review the actual toxicology results is **DENIED**. This case stands closed.

SO ORDERED, this 19 day of April, 2014.

LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA